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AUG 27 2003

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

August 27, 2003

**BY HAND**

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
Office of the Secretary  
c/o Vistrionix, Inc.  
236 Massachusetts Avenue, NE  
Suite 110  
Washington, DC 20002

Re: CC Dkt. No. 94-129; Certification of Exemption from "Drop-Off" Requirement

Dear Ms. Dortch:

American Cyber Corporation d/b/a Discount Plus ("American Cyber"), by its undersigned counsel, hereby certifies that it qualifies for an exemption from the "drop-off" requirement set forth in 47 C.F.R. Section 64.1120.

In its recent decision in CC Dkt. No. 94-129, the Commission established a new mechanism by which carriers' certifying as to their inability to comply with the "drop-off" rule will be exempt from that rule for a two-year period. See Implementation of the Subscriber Carrier Selection Changes Provisions of the Telecommunications Act of 1996; Policies and Rules Concerning Unauthorized Changes of Consumers' Long Distance Carriers, CC Docket No. 94-129, Third Order on Reconsideration and Second Notice of Proposed Rulemaking, 68 Fed. Reg. 19152 & 19176 (rel. March 17, 2003).

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The telemarketing companies used by American Cyber lack the technical capability to comply with the FCC's "drop off" rule. Specifically, the technology used by American Cyber's telemarketing providers does not allow the person initiating a three-way call to "drop off" the line without also disconnecting the three-way call. Upgrading to a system that would allow American Cyber's telemarketers to "drop-off" once a three-way call is initiated would be prohibitively costly for a company of American Cyber's size. A certification signed by David Johnson, Vice President for Marketing of American Cyber, made in support of these statements under Section 1.16 of the Commission's rules is enclosed herewith.

Questions regarding this certification should be addressed to the undersigned.

Sincerely,

A handwritten signature in black ink, appearing to read "Gregory E. Kunkle", written in a cursive style.

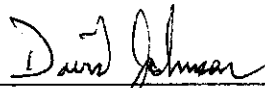
Thomas K. Crowe  
Gregory E. Kunkle,  
Counsel for American Cyber  
Corporation d/b/a Discount Plus

cc: Nancy Stevenson, Federal Communications Commission  
Qualex International

Enclosure

### CERTIFICATION

I, David Johnson certify that I am Vice President for Marketing of American Cyber Corporation d/b/a Discount Plus ("American Cyber"); and that I am authorized to make this certification for American Cyber. Further, I certify that American Cyber is unable to comply with the "drop off" requirement as set forth in 47 C.F.R. Section 64.1120. Specifically, the technology used by American Cyber's telemarketing providers does not allow the telemarketer initiating a three-way call to "drop off" the line without disconnecting the three-way call. Upgrading to a system that would allow American Cyber's telemarketers to "drop off" once a three-way call is initiated would be prohibitively costly for a company of American Cyber's size. I hereby certify that to the best of my knowledge and belief, under penalty of perjury, the foregoing statements are true and correct. Executed on 08/19/03.



\_\_\_\_\_  
David Johnson  
Vice President for Marketing, American Cyber  
Corporation d/b/a Discount Plus